

What are Easements?



I have an Easement shown on my Property survey. What does this mean for me?

An easement is a portion of land that has been set-aside for a specific purpose. Easements give the City of Wichita or Utility Companies the right to construct and maintain facilities within the designated areas.

Is it still my property?

Yes, the easement is still your property. However, it does have restrictions and responsibilities for you as an owner or resident.

What can I do with this land?

Your options in an easement depend on what type of easement you have. Keep in mind that what you place in an easement has the potential of being removed or damaged if maintenance is required on the utility's facilities. All easements have to be maintained in accordance with City Code.

Utility Easements

A Utility easement may contain ANY type of utility: sanitary sewer, water, storm sewer, telephone, electric, gas, cable, etc. The Utility may be underground or overhead.

Do's in Utility Easements

You can use a utility easement for almost anything that you use your yard for. You can plant gardens and bushes, landscape and construct fences. However, anything that is in the easement when a Utility has to perform maintenance on their facilities may have to be removed. Fences are generally reset if they have to be taken down, but landscaping, gardens and trees will not be replaced.

Don'ts in Utility Easements

Don't place anything in the easement that will make it hard for a Utility company to maintain or replace their system. Anything permanent needs to stay out of easements. This includes retaining walls, sheds or any type of building. Trees are also hard for a contractor to work around and the roots can damage the utility that lies beneath.

Drainage Easements

A drainage easement has its own set of restrictions. Unlike a utility easement, improper care of a drainage easement can cause damage to properties. A drainage easement may have a storm water line buried beneath it or it may be the intended pathway for surface water to flow. Some drainage easements have streams running through them all the time and some only have water after a rain. Some drainage easements are also intended to detain water after a rain to avoid flooding of other areas.

Do's in Drainage Easements

Maintain it as much as you possibly can. If it is intended to carry surface drainage, it may be soggy for much of the rainy season. If you do yard work near the easement that disturbs the soil, use a silt fence. This will help reduce sediment and other erosion materials from entering the drainage system. Fences that are in drainage easements must have enough space beneath them to allow water to pass under the boards. Please watch for and remove saplings that have been unintentionally planted by nature, or build-ups of debris or trash. These can cause obstructions that can change the path of the water or impede drainage, causing flooding.

Don'ts in Drainage Easements

1. Don't: Fill, obstruct, block, materially alter or leave debris or trash in the drainage easement.
2. Don't: Construct or place improvements such as pools, sheds or other structures in the easement. Even temporary obstacles that cannot be easily moved such as play stations, swing sets, etc. may impede the flow of water within the easement.
3. Don't: Modify the existing topography of the easement.
4. Don't: Materially impair the use or restrict the flow of storm water within the easement.
5. Don't: Dispose of limbs, brush, grass clippings, leaves, or other such materials within the easement. If the easement is intended to carry a significant amount of water, debris can clog pipes and inlets further downstream and possibly cause

flooding.

How was my Drainage Easement planned?

Drainage easements are planned with a certain slope and you need to maintain the slope. In newer Subdivisions, especially those platted after 2000, the elevations for your yard are set and defined on the plat and related master drainage plan. Some of these plans are complex and can be altered unknowingly by adding sod that is too thick. Some easements are intended to store water and some are planned to accommodate flooding from a nearby creek or pond.

What do I do if my neighbor has constructed something in or doesn't maintain their easement?

Please contact your neighbor first. Often citizens are unaware of the easements on their property or may be renters that have never seen the survey of the lot. Most citizens do not intentionally obstruct easements or intend to cause excess water to stand on their neighbors' yards. If this does not resolve the issue, you need to contact your Home Owner's Association. If there is no HOA, you will need to contact the Office of Central Inspection at 268-4461.

Will the City regrade or clean my drainage easement?

No. The City will only maintain and repair the public storm water sewer lines that are located underground and drainage ways that are located on public property.

The inlet in my backyard is always full of water.

Some backyard drainage systems in areas with ponds are always going to have water in them depending on the level of the pond. Sometimes the water will rise out of the inlet to be detained in the backyard during a heavy rain until the pond can return to the desired level.

What about my service lines?

The service lines that connect your home to the public utilities do not require easements and are generally your responsibility to repair and maintain. It is wise to use the same caution in building over these private lines as you would for the public utilities.

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